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8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12
13 ALEXANDRA HADDAD, individually and on
behalf of all others similarly situated.

14 Plaintiffs,

15 vs.

16 NETFLIX, INC., WAL-MART STORES, INC.,
17 WALMART.COM USA, LLC,

18 Defendants.
19

Case No. C 09-00958 RMW

**DECLARATION OF ROBERT J.
GRALEWSKI, JR. IN SUPPORT OF
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

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GRALEWSKI DECLARATION IN SUPPORT OF ADMINISTRATIVE MOTION TO CONSIDER
WHETHER CASES SHOULD BE RELATED
Case No. C 09-00958 RMW

1 I, Robert J. Gralewski, Jr., declare:

2 1. I am a member in good standing of the Bar of the State of California and am admitted
3 to practice before this Court. I am a partner of the law firm Gergosian & Gralewski LLP, counsel for
4 Plaintiff Alexandra Haddad in the above-captioned action. I submit this Declaration in support of
5 Plaintiff's Administrative Motion to Consider Whether Cases Should be Related. The matters set
6 forth herein are of my own personal knowledge, and if called and sworn as a witness I could
7 competently testify regarding them.

8 2. Attached hereto as Exhibit A is a true and correct copy of a complaint captioned
9 *Alexandra Haddad v. Netflix, Inc., Wal-Mart Stores, Inc., Walmart.com USA LLC*, Case No. 09-cv-
10 00958 (RMW) filed on March 5, 2009 in the Northern District of California and assigned to the
11 Honorable Ronald M. Whyte. The *Haddad* action is a proposed class action on behalf of paid
12 subscribers to Netflix.

13 3. After reviewing the complaint filed on January 2, 2009 in *Resnick, et al. v.*
14 *Walmart.com USA LLC, et al.*, Case No. 09-cv-0002, plaintiffs in all cases assert claims for
15 violations of the Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

16 3. After reviewing the complaint filed on January 9, 2009 in *O'Connor v. Walmart.com*
17 *USA LLC, et al.*, Case No. 09-cv-00096, plaintiffs in all cases assert claims for violations of the
18 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

19 4. After reviewing the complaint filed on January 9, 2009 in *Endzweig v. Walmart.com*
20 *USA LLC et al.*, Case No. 09-cv-00111, plaintiffs in all cases assert claims for violations of the
21 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

22 5. After reviewing the complaint filed on January 9, 2009 in *Schmitz v. Walmart.com*
23 *USA LLC, et al.*, Case No. 09-cv-00116, plaintiffs in all cases assert claims for violations of the
24 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

25 6. After reviewing the complaint filed on January 12, 2009 in *Lynch, et al. v.*
26 *Walmart.com USA LLC, et al.*, Case No. 09-cv-00138, plaintiffs in all cases assert claims for
27 violations of the Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

28 7. After reviewing the complaint filed on January 12, 2009 in *Groce, et al.*,

GRALEWSKI DECLARATION IN SUPPORT OF ADMINISTRATIVE MOTION TO CONSIDER
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1 *Walmart.com USA LLC, et al.*, Case No. 09-cv-00139, plaintiffs in all cases assert claims for
2 violations of the Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

3 8. After reviewing the complaint filed on January 13, 2009 in *Sivek v. Walmart.com*
4 *USA LLC, et al.* Case No., 09-cv-00156, plaintiffs in all cases assert claims for violations of the
5 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

6 9. After reviewing the complaint filed on January 14, 2009 in *Faris v. Netflix, Inc., et*
7 *al.*, Case No. 09-cv-00180, plaintiffs in all cases assert claims for violations of the Sherman Act, 15
8 U.S.C. Sections 1 and 2 against many of the same defendants.

9 10. After reviewing the complaint filed on January 16, 2009 in *Slobodin v. Netflix, Inc., et*
10 *al.*, Case No. 09-cv-00225, plaintiffs in all cases assert claims for violations of the Sherman Act, 15
11 U.S.C. Sections 1 and 2 against many of the same defendants.

12 11. After reviewing the complaint filed on January 20, 2009 in *Anthony, et al., v.*
13 *Walmart.com USA LLC, et al.*, Case No. 09-cv-00236, plaintiffs in all cases assert claims for
14 violations of the Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

15 12. After reviewing the complaint filed on January 20, 2009 in *Polk-Stamps v. Netflix,*
16 *Inc., et al.*, Case No. 09-cv-00244, plaintiffs in all cases assert claims for violations of the Sherman
17 Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

18 13. After reviewing the complaint filed on January 22, 2009 in *Sheeler v. Walmart.com*
19 *USA LLC, et al.*, Case No. 09-cv-00274, plaintiffs in all cases assert claims for violations of the
20 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

21 14. After reviewing the complaint filed on January 22, 2009 in *Chapman v. Netflix, Inc.,*
22 *et al.*, Case No. 09-cv-00294, plaintiffs in all cases assert claims for violations of the Sherman Act,
23 15 U.S.C. Sections 1 and 2 against many of the same defendants.

24 15. After reviewing the complaint filed on January 22, 2009 in *Orozco v. Netflix, Inc., et*
25 *al.*, Case No. 09-cv-00297, plaintiffs in all cases assert claims for violations of the Sherman Act, 15
26 U.S.C. Sections 1 and 2 against many of the same defendants.

27 16. After reviewing the complaint filed on January 26, 2009 in *Landels, et al., v. Netflix,*
28 *Inc., et al.*, Case No. 09-cv-00340, plaintiffs in all cases assert claims for violations of the Sherman

1 Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

2 17. After reviewing the complaint filed on January 26, 2009 in *Grime v. Netflix, Inc., et*
3 *al.*, Case No. 09-cv-00349, plaintiffs in all cases assert claims for violations of the Sherman Act, 15
4 U.S.C. Sections 1 and 2 against many of the same defendants.

5 18. After reviewing the complaint filed on January 26, 2009 in *Meyer v. Walmart.com*
6 *USA LLC, et al.*, Case No. 09-cv-00361, plaintiffs in all cases assert claims for violations of the
7 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

8 19. After reviewing the complaint filed on January 27, 2009 in *Randall v. Walmart.com*
9 *USA LLC, et al.*, Case No. 09-cv-00368, plaintiffs in all cases assert claims for violations of the
10 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

11 20. After reviewing the complaint filed on January 27, 2009 in *Miscioscia v. Netflix, Inc.,*
12 *et al.*, Case No. 09-cv-00377, plaintiffs in all cases assert claims for violations of the Sherman Act,
13 15 U.S.C. Sections 1 and 2 against many of the same defendants.

14 21. After reviewing the complaint filed on January 27, 2009 in *Hirsch v. Netflix, Inc., et*
15 *al.*, Case No. 09-cv-00375, plaintiffs in all cases assert claims for violations of the Sherman Act, 15
16 U.S.C. Sections 1 and 2 against many of the same defendants.

17 22. After reviewing the complaint filed on January 27, 2009 in *Patras, et al. v. Netflix,*
18 *Inc., et al.*, Case No. 09-cv-00378, plaintiffs in all cases assert claims for violations of the Sherman
19 Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

20 23. After reviewing the complaint filed on January 28, 2009 in *Chatelain v. Netflix, Inc.,*
21 *et al.*, Case No. 09-cv-00391, plaintiffs in all cases assert claims for violations of the Sherman Act,
22 15 U.S.C. Sections 1 and 2 against many of the same defendants.

23 24. After reviewing the complaint filed on January 28, 2009 in *Weiner v. Walmart.com*
24 *USA LLC, et al.*, Case No. 09-cv-00398, plaintiffs in all cases assert claims for violations of the
25 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

26 25. After reviewing the complaint filed on January 28, 2009 in *Millrood v. Walmart.com*
27 *USA LLC, et al.*, Case No. 09-cv-00399, plaintiffs in all cases assert claims for violations of the
28 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

1 26. After reviewing the complaint filed on January 28, 2009 in *Kober v. Walmart.com*
2 *USA LLC, et al.*, Case No. 09-cv-00400, plaintiffs in all cases assert claims for violations of the
3 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

4 27. After reviewing the complaint filed on January 28, 2009 in *LaCabe v. Walmart.com*
5 *USA LLC, et al.*, Case No. 09-cv-00402, plaintiffs in all cases assert claims for violations of the
6 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

7 28. After reviewing the complaint filed on January 29, 2009 in *Roy v. Netflix, Inc., et al.*,
8 Case No. 09-cv-00434, plaintiffs in all cases assert claims for violations of the Sherman Act, 15
9 U.S.C. Sections 1 and 2 against many of the same defendants.

10 29. After reviewing the complaint filed on January 30, 2009 in *Bruno, et al. v.*
11 *Walmart.com USA LLC, et al.*, Case No. 09-cv-00445, plaintiffs in all cases assert claims for
12 violations of the Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

13 30. After reviewing the complaint filed on January 30, 2009 in *Zaker v. Netflix, Inc., et*
14 *al.*, Case No. 09-cv-00447, plaintiffs in all cases assert claims for violations of the Sherman Act, 15
15 U.S.C. Sections 1 and 2 against many of the same defendants.

16 31. After reviewing the complaint filed on February 3, 2009 in *Parikh v. Netflix, Inc., et*
17 *al.*, Case No. 09-cv-00496, plaintiffs in all cases assert claims for violations of the Sherman Act, 15
18 U.S.C. Sections 1 and 2 against many of the same defendants.

19 32. After reviewing the complaint filed on February 6, 2009 in *Johnson v. Walmart.com*
20 *USA LLC, et al.*, Case No. 09-cv-00553, plaintiffs in all cases assert claims for violations of the
21 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

22 33. After reviewing the complaint filed on February 6, 2009 in *Gannon v. Walmart.com*
23 *USA LLC, et al.*, Case No. 09-cv-00554, plaintiffs in all cases assert claims for violations of the
24 Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants.

25 34. After reviewing the complaint filed on February 17, 2009 in *Williams v. Netflix, Inc.,*
26 *et al.*, Case No. 09-cv-00678, plaintiffs in all cases assert claims for violations of the Sherman Act,
27 15 U.S.C. Sections 1 and 2 against many of the same defendants.

28 35. A stipulation pursuant to Civil Local Rule 7-11(a) could not be obtained because

1 Defendants in this action have not yet appeared.

2 I declare under penalty of perjury pursuant to the laws of the United States that the foregoing
3 is true and correct. Executed in San Diego, California, on March 17, 2009.

4 DATED: March 17, 2009

Respectfully submitted,

5 GERGOSIAN & GRALEWSKI LLP
6 EDWARD M. GERGOSIAN
7 ROBERT J. GRALEWSKI, JR.

8 /s/ Robert J. Gralewski, Jr.

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